

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. James Osborne

Docket No. 7:23-CR-134-1BO

Petition for Action on Supervised Release

COMES NOW Henry Ponton, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James Osborne, who, an earlier plea of guilty to Possession of Child Pornography, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2), was sentenced by the Honorable Arenda L. Wright Allen, United States District Judge in the Eastern District of Virginia, on April 8, 2021, to the custody of the Bureau of Prisons for a term of 36 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 180 months.

James Osborne was released from custody on January 26, 2023, at which time the term of supervised release commenced. On December 18, 2023, jurisdiction of the defendant's case was transferred to the Eastern District of North Carolina and assigned to the Honorable Terrence W. Boyle, United States District Judge. On May 29, 2024, a violation report was submitted to Your Honor advising of the defendant's use of illegal substances, specifically marijuana. Your Honor agreed to take no action to allow the defendant an opportunity to comply with outpatient substance abuse treatment. On August 30, 2024, a violation report was submitted to Your Honor advising of the defendant's continued use of marijuana. Your Honor agreed to take no action to further allow the defendant an opportunity to comply with substance abuse treatment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 10, 2024, the defendant reported to the probation office. He provided a urinalysis sample that tested positive for amphetamine, methamphetamine, and marijuana. The defendant initially denied the use of any illegal substances; however, he eventually admitted to using Adderall that was prescribed to a friend. The sample was sent to Alere Toxicology for confirmation testing. It was confirmed positive for all three substances on September 24, 2024.

On September 12, 2024, the undersigned officer participated in a three-way treatment session with the defendant. During the session, the defendant expressed suicidal ideations and requested involuntary commitment. Our office transported the defendant to New Hanover Regional Medical Center where he was involuntarily committed. On September 15, 2024, the defendant was released. He continues to participate in sex-offense specific treatment with Forensic Consulting Services and dual-diagnosis individual outpatient treatment at Coastal Horizons.

As a result of his continued use of illegal substances, the defendant was presented with a Waiver of Hearing to modify his conditions of supervised release to include 60 days of a curfew with electronic monitoring. He signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The defendant must pay all of the cost of the program.

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Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Henry Ponton
Henry Ponton
Senior U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-4290
Phone: 910-679-2048
Executed On: October 1, 2024

ORDER OF THE COURT

Considered and ordered this 1 day of Oct., 2024, and ordered filed and
made a part of the records in the above case.


Terrence W. Boyle
United States District Judge